

IN RE: PETITION FOR ZONING VARIANCE
NW/4 Rolling Road, 130' SW of
the c/l of Marling Road
(Lots 1-12 & 15-20 Rocky Court)
2nd Election District
2nd Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-270-A

Abraham P. Korotki
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 1801.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a distance between buildings with above-ground elevations of more than 25 feet, but not more than 30 feet, of 16 feet in lieu of the required 30 feet for Lots 1 through 12, inclusive, and Lots 15 through 20, inclusive, and from Section V.B.6.a of the Comprehensive Manual of Development Policy (Bill 100) to permit a minimum distance from window to street rights-of-way of 23 feet in lieu of the required 25 feet for Lots 6 through 12, inclusive and Lots 16, 19 and 20, all as more particularly described on Petitioner's Exhibit 1.

The Petitioner was represented by Jack L. Hanson, Jr., Esquire. Also appearing on behalf of the Petitioner was Charles R. Stark, Registered Land Surveyor. There were no Protestants.

Testimony indicated that the property which is the subject of this variance, is known as Lots 1 through 12, inclusive, and Lots 15 through 20, inclusive, and are located on Rocky Court in the Old Court Village subdivision which consists of approximately 4.488 acres, more or less, is zoned D.R. 5.5, and is proposed for development with 20 single family dwelling units. Testimony indicated that the subject development received CBC approval on April 4, 1991. Petitioner testified that the

requested variances are necessary in order to develop the property with a reasonably marketable dwelling that will meet current demands. Testimony indicated that while the subject property would permit the development of 24 units, the Petitioner proposes to develop the property with only 20 units. However, due to the unique shape of the property, the requested variances are necessary. Petitioner testified the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community and to require strict compliance with the zoning regulations would result in unreasonable hardship and practical difficulty for him.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

- 2 -

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of February, 1992 that the Petition for Zoning Variance from Section 1801.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a distance between buildings with above-ground elevations of more than 25 feet, but not more than 30 feet, of 16 feet in lieu of the required 30 feet for Lots 1 through 12, inclusive, and Lots 15 through 20, inclusive, and from Section V.B.6.a of the Comprehensive Manual of Development Policy (Bill 100) to permit a minimum distance from window to street rights-of-way of 23 feet in lieu of the required 25 feet for Lots 6 through 12, inclusive and Lots 16, 19 and 20, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any permits, Petitioner shall submit a landscape plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of the approved plan shall be submitted to this Office for inclusion in the case file prior to the issuance of any permits.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs

- 3 -

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

February 26, 1992

(410) 887-4386

Jack L. Hanson, Jr., Esquire
220 Bosley Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
NW/4 Rolling Road, 130' SW of the c/l of Marling Road
(Lots 1-12 & 15-20 Rocky Court)
2nd Election District - 2nd Councilmanic District
Abraham P. Korotki - Petitioner
Case No. 92-270-A

Dear Mr. Hanson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs

cc: People's Counsel

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2C.1 to permit a distance between buildings with above ground elevations of more than 25 feet but not more than 30 feet of 16.00 feet in lieu of the required 30 feet. Lot #1 through Lot #12 inclusive, Lot #15 through Lot #20 inclusive. (CONTINUED ON ATTACHMENT)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Practical difficulty in the shape of the land and required setbacks prohibits the design of a reasonable marketable product.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Abraham P. Korotki
(Type or Print Name)
Signature
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
Jack L. Hanson, Jr.
(Type or Print Name)
Signature
220 Bosley Avenue
Address
Towson, Maryland 21204
City and State

Attorney's Telephone No.: 337-8988

ORDERED By The Zoning Commissioner of Baltimore County, this day

of 1992, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the day of 1992, at o'clock

ORDER RECEIVED FOR FILING
Date 2/26/92
By [Signature]
Zoning Commissioner of Baltimore County.

Variance from Section V.B.6.a of the Comprehensive Manual of Development Policy of Bill 100 to permit a minimum distance from window to street right-of-way of 23 feet in lieu of the required 25 feet. Lot #6 through Lot #12 inclusive Lot #16, #19 and #20.

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

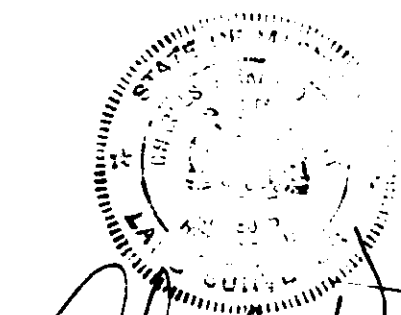
Description to Accompany Petition
For Variance.

January 8, 1992

Beginning for the same on the northwest right-of-way line of Rolling Road distant 130 feet more or less from the center of Marling Road thence binding on the northwest right-of-way line of Rolling Road the four following courses and distances

- 1 - South 32° 02' 35" West 73.80 feet
 - 2 - South 44° 31' 49" West 12.13 feet
 - 3 - Southwesterly by a line curving to the south with a radius of 1470.00 feet for an arc distance of 652.66 feet (the chord of said arc being South 31° 48' 40" West 647.31 feet) and
 - 4 - South 32° 02' 35" West 32.82 feet thence
 - 5 - North 47° 57' 06" West 318.48 feet thence
 - 6 - North 42° 26' 08" East 759.54 feet and thence
 - 7 - South 46° 14' 13" East 180.39 feet to the place of beginning.
- Containing 3.951 acres of land more or less.

THIS DESCRIPTION IS FOR ZONING USE ONLY.



Charles R. Stark

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 2 Date of Posting February 4, 1992
Posted for: Variance
Petitioner: Abraham P. Korotki
Location of property: NW/4 Rolling Road, 130' SW of c/l of Marling Road
22-12-13-14-15-16-17-18-19-20 Rocky Court (OLD COURT VILLAGE)
Location of Signs: NW/4 Rolling Road, approx. 200 S.W. of Marling Road
Remarks:
Posted by: [Signature] Date of return: February 6, 1992
Number of Signs: 1

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/30/92

CATONSVILLE TIMES

S. Zeke Olson
Publisher

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property of Abraham P. Korotki, located in Room 116, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 on February 18, 1992 at 10:30 a.m.

Case Number: 92-270-A
NW/4 Rolling Road, 130' SW of c/l of Marling Road
22-12-13-14-15-16-17-18-19-20 Rocky Court (OLD COURT VILLAGE)
2nd Election District
2nd Councilmanic
Petitioner(s): Abraham P. Korotki
Hearing Date: Tuesday, February 18, 1992 at 10:30 a.m.

Persons to permit a distance between buildings with above ground elevations of more than 25 feet but not more than 30 feet of 16.00 feet in lieu of the required 30 feet. Lot #1 through Lot #12 inclusive, Lot #15 through Lot #20 inclusive. (CONTINUED ON ATTACHMENT)

LAURENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
CU1018 January 30

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 2/26/92

Abraham P. Korotki
516 W. Allegheny Avenue
Towson, Maryland 21204

RE:
CASE NUMBER: 92-270-A
NW/4 Rolling Road, 130' SW of c/l of Marling Road
#2-12 and #1-11 Rocky Court (OLD COURT VILLAGE)
2nd Election District - 2nd Councilmanic
Petitioner(s): Abraham P. Korotki

Dear Petitioner(s):

Please be advised that \$102.46 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ARNOLD JABLON
DIRECTOR

cc: Jack L. Hanson, Jr., Esq.

BALTIMORE COUNTY, MARYLAND
OFFICE OF ANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 2/26/92 ACCOUNT 100-1015-000

AMOUNT \$ 102.46

RECEIVED FROM 100-270

FOR 100-270

VALIDATION OR SIGNATURE OF CASHIER

JANUARY 21, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-270-A
NW/SE Rolling Road, 130' (+/-) SW of c/l Marling Road
#2-#12 and #1-#11 Rocky Court (OLD COURT VILLAGE)
2nd Election District - 2nd Councilmanic
Petitioner(s): Abraham P. Korotki
HEARING: TUESDAY, FEBRUARY 18, 1992 at 10:30 a.m.

Variance to permit a distance between buildings with above ground elevations of more than 25 feet but not more than 30 feet or 15,00 feet in lieu of the required 30 feet (Lot #1 through Lot #12 inclusive, Lot #15 through Lot #20 inclusive); and to permit a minimum distance from window to street right-of-way of 23 feet in lieu of the required 25 feet (Lot #6 through Lot #12 inclusive Lot #16, #19 and #20).

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Jack L. Hanson, Jr., Esq.
Abraham P. Korotki

Jack L. Hanson, Esquire
220 Bosley Avenue
Towson, MD 21204

RE: Item No. 287, Case No. 92-270-A
Petitioner: Abraham P. Korotki
Petition for Zoning Variance

Dear Mr. Hanson:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: January 28, 1992
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Abraham P. Korotki
516 West Allegheny Avenue
Towson, MD 21204

Your petition has been received and accepted for filing this 8th day of January, 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Abraham P. Korotki
Petitioner's Attorney: Jack L. Hanson

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ABRAHAM P. KOROTKI

Location: #2-#12 AND #1-#11 ROCKY COURT

Item No.: 287 Zoning Agenda: JANUARY 21, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Robert W. Bowling* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JF/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 28, 1992
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for January 21, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 282 and 283.

For Item 284, a County Review Group Meeting will be required.

For Items 287 and 288, the previous County Review Group Comments still remain valid.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 5, 1992
Zoning Administration and
Development Management

FROM: Gary L. Kerns, Chief
Comprehensive and Community Planning
Office of Planning and Zoning

SUBJECT: Korotki Property, Item No. 287

In reference to the Petitioner's request, the staff provides the following comments:

-While this project received CRG approval on April 4, 1991 (See file No. II-222), the Office of Planning and Zoning indicated that no variances would be supported, at that time (see attached comments).

-The proposed development conflicts with the fundamental principals of the Community Conservation and Enhancement as discussed in the Baltimore County Master Plan. Specific reference is made in the plan regarding the need for residential development in Community Conservation areas which is integrated with and does not detract from existing neighborhoods. The subject development is not consistent with the basic tenets of the Community Conservation section in the masterplan.

Based upon the information provided and the analysis conducted, the Office of Planning and Zoning recommends that the Petitioner's request be denied.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

Report prepared by:

Jeffrey Long
Jeffrey Long

GLK/JL:rdn
ITEM287/TXTROZ

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: February 6, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: January 21, 1992

This office has no comments for item numbers 282, 283 and 287.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

NOTE: No Houses Sold Within 300 FEET

SECTION ONE
COURTHAVEN
PB 25-57
BLOCK (B)

SECTION ONE
COURTHAVEN
PB 25-57
BLOCK (B)

VICINITY MAP
SCALE: 1" = 500'

NOTES

1. ZONING DISTRICT #2
2. LOT 1 TO 20 INCLUSIVE
3. THE DISTANCE BETWEEN BUILDINGS
4. AS SHOWN ON THE LOTS AND BUILDINGS
5. AS SHOWN ON THE LOTS AND BUILDINGS
6. THE DISTANCE BETWEEN BUILDINGS

VARIANCES REQUESTED

1. TO SECTION 1801.20-1 TO PERMIT A DISTANCE BETWEEN BUILDINGS WITH ABOVE GRADE ELEVATIONS OF MORE THAN 25 FEET BUT NOT MORE THAN 30 FEET OF 16.00 FEET IN LIEU OF THE REQUIRED 30 FEET, LOT #1 THROUGH LOT #12 INCLUSIVE ** LOT #15 THROUGH LOT #20 INCLUSIVE
2. TO SECTION V.B.G.4. OF THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICY OF BILL 100 TO PERMIT A MINIMUM DISTANCE FROM WINDOW TO STREET RIGHT OF WAY OF 25 FEET IN LIEU OF THE REQUIRED 25 FEET, LOT #6 THROUGH LOT #12 INCLUSIVE ** LOT #16, #19 AND #20

DENSITY DATA
GROSS AREA - 4.465 AC.
NET AREA - 3.951 AC.
ZONED - DR 5-5
UNITS ALLOWED - 55 X 4.465 = 24 UNITS
UNITS PROPOSED - 20 UNITS
PARKING REQUIRED
2/SPACES/UNIT = 40 SPACES
PARKING PROVIDED = 40 SPACES
OPEN SPACE REQUIRED - 20 X 650 = 13000 SF = 0.3 AC.
WAIVER GRANTED - 5-11-91

OWNER / DEVELOPER
ABRAHAM PAUL KOROTKI
516 WEST ALLEGANY AVE.
TOWSON, MD 21204
DEED - 5876/085
TAX ACCT No. - 02-11-550710

PETITIONER'S
EXHIBIT 1

PLAT TO ACCOMPANY PETITION FOR VARIANCE
AND TO AMEND FINAL DEVELOPMENT PLAN

OLD COURT VILLAGE

BALTIMORE COUNTY MARYLAND
SCALE: 1" = 50'

ELECTION DISTRICT #2
DATE: JAN. 7, 1992

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.

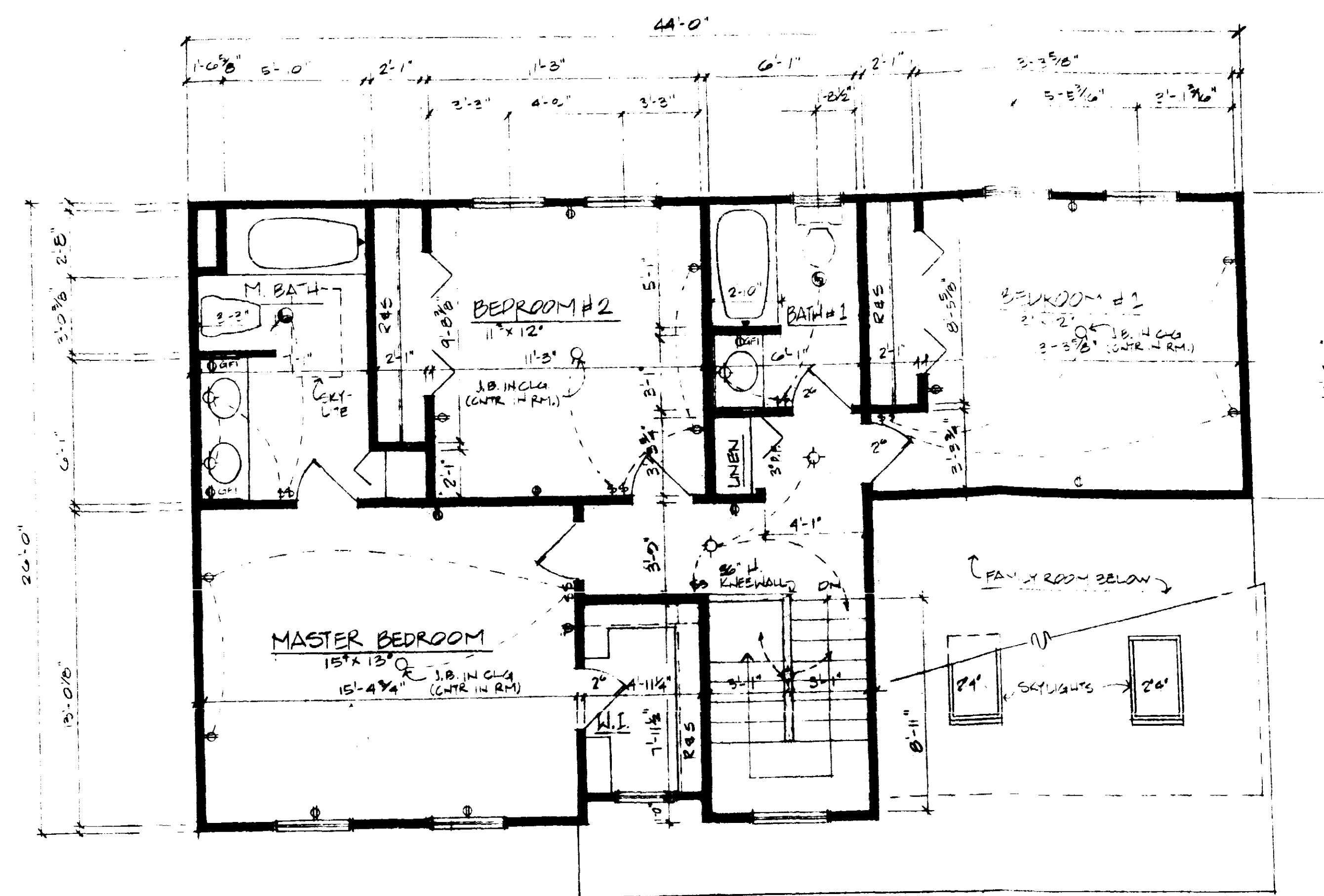
650 KENILWORTH DRIVE
TOWSON, MARYLAND 21204

CIVIL ENGINEERS & LAND SURVEYORS

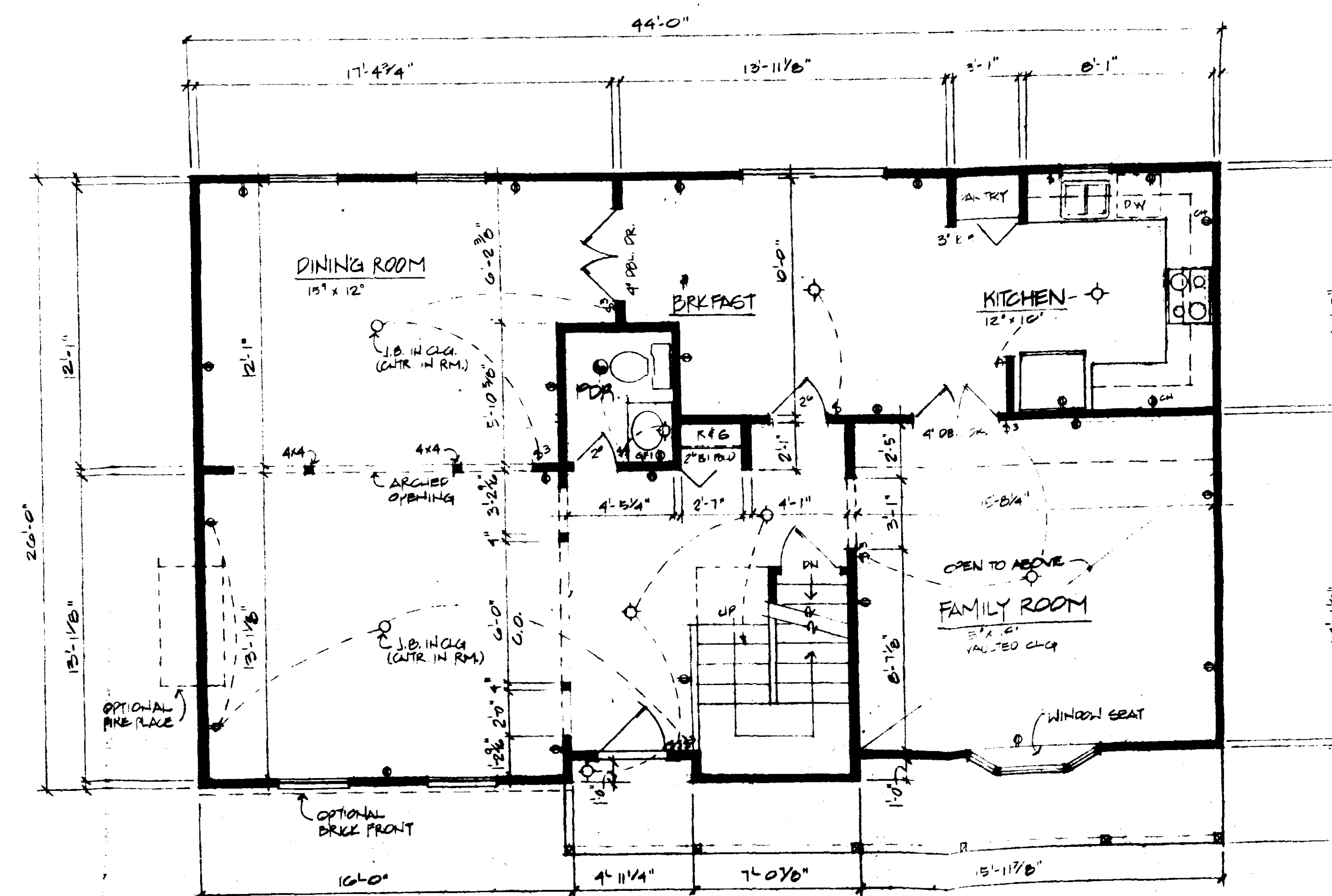
REL. AIR. MARYLAND 2104

GWS

PV6778



SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

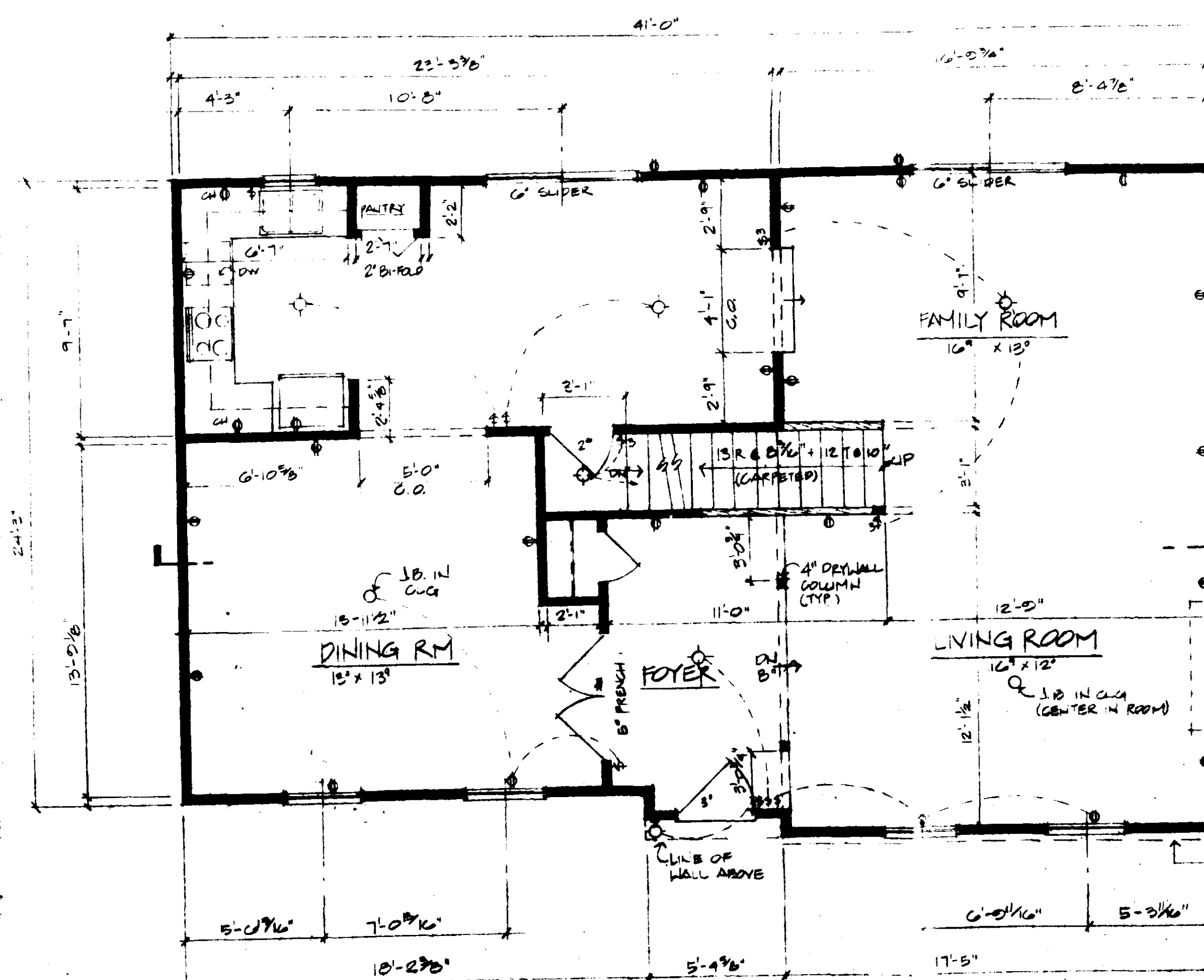
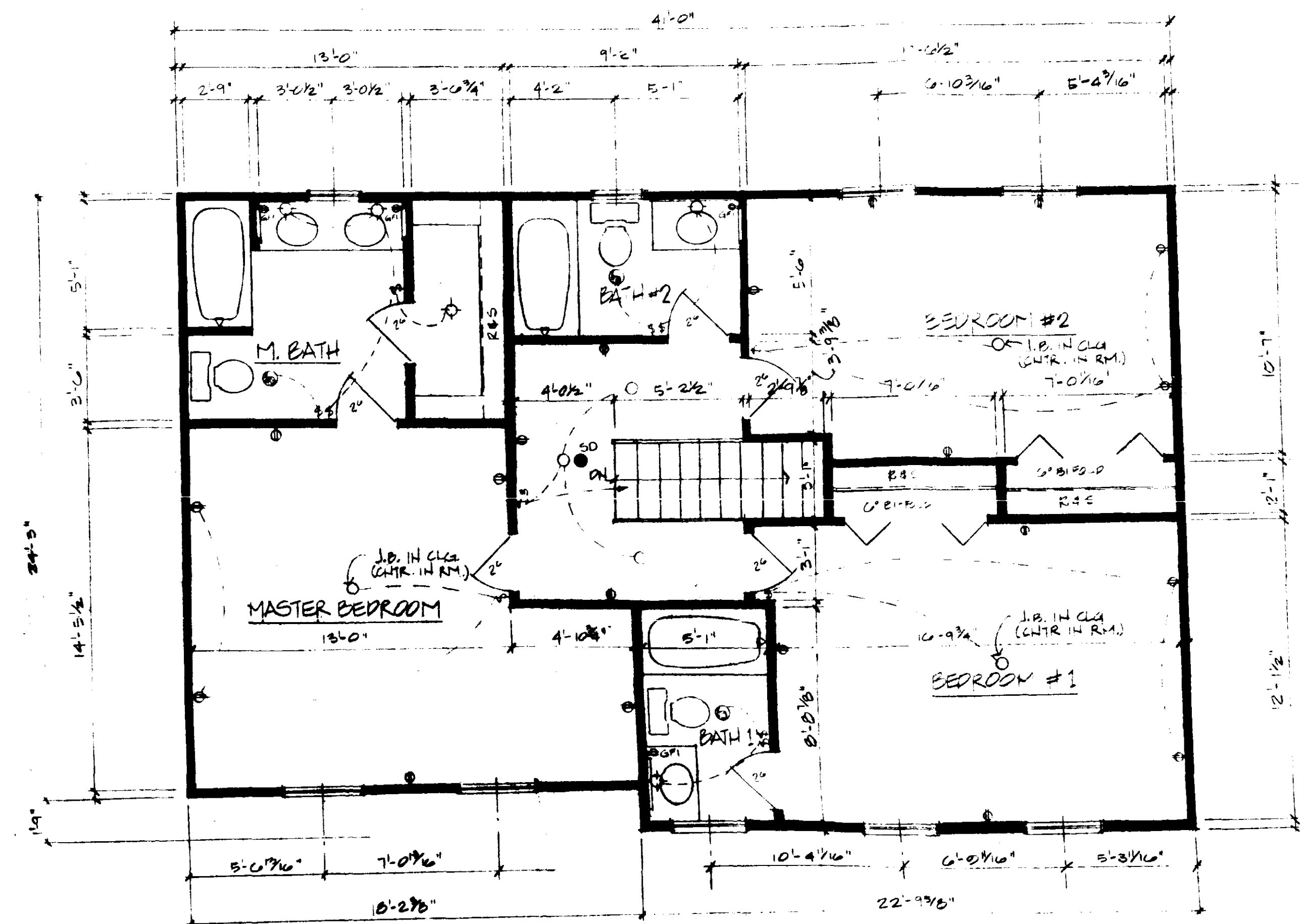
44'-0" x 26'-0" BI-LEVEL
25' HEIGHT LIMIT
the EASTABROOK

PETITIONER'S
EXHIBIT 2A

ALL STUDS ARE 2"x4" METAL STUDS
ALL DIMENSIONS ARE TO FACE OF STUDS

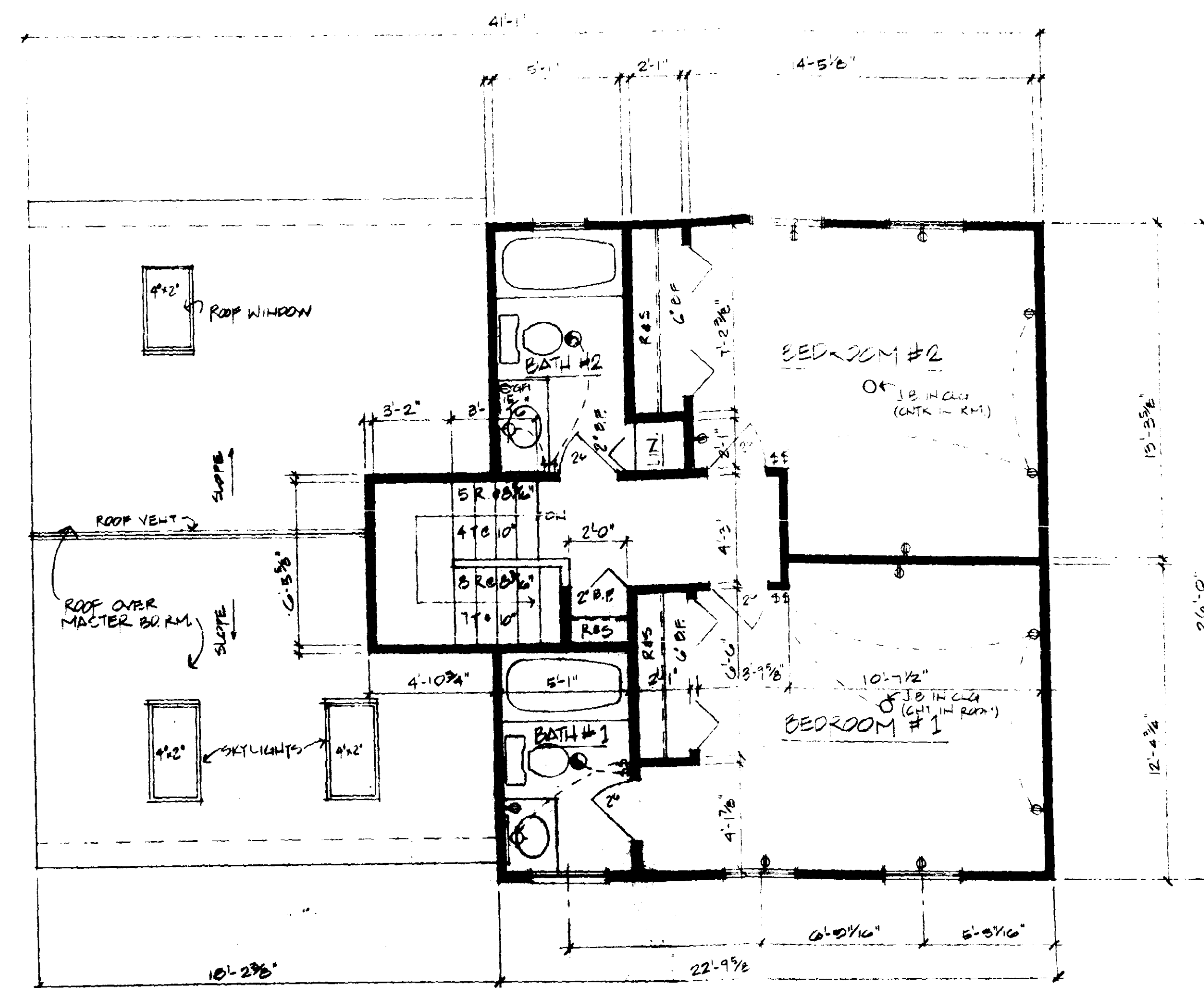


FRONT ELEVATION
SCALE: 1/4" = 1'-0"

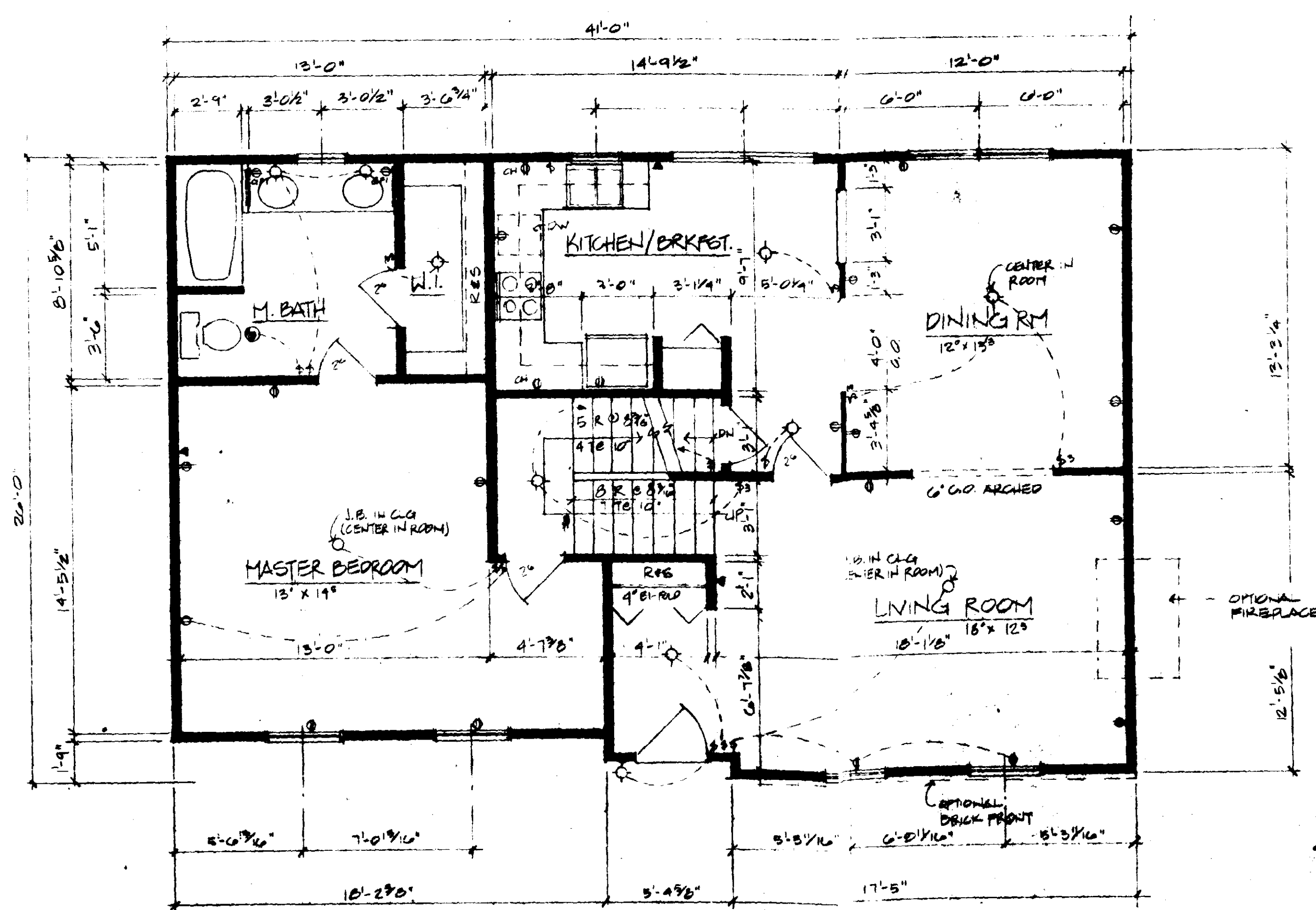


41'-0" x 26'-0" BI-LEVEL
25' HEIGHT LIMIT
THE WENTWORTH

PETITIONER'S
EXHIBIT 28



SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

41'-0" x 26'-0" SPLIT-LEVEL
25' HEIGHT LIMIT
the WILLIAMSPORT

PETITIONER'S
EXHIBIT dc